

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: E. I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION,

Civil Action 2:13-md-2433
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth Preston Deavers

This document relates to: *Travis Abbott and Julie Abbott v. E. I. du Pont de Nemours and Company*, Case No. 2:17-cv-998.

EVIDENTIARY MOTIONS ORDER NO. 29

Defendant's Motion to Exclude or Limit Dr. Barry S. Levy's Trial Testimony

This matter is before the Court on Defendant's Motion to Exclude or Limit Dr. Barry S. Levy's Trial Testimony (ECF No. 59, *Abbott* Docket¹), Plaintiffs' Memorandum in Opposition (ECF No. 74), and Defendant's Reply (ECF No. 82). In that Motion, DuPont moves the Court to reconsider its prior decisions made in EMOs [Evidentiary Motions Order Nos.] 2 and 7 related to Plaintiffs' expert Barry S. Levy, M.D., M.P.H. DuPont explains, however, that its "analysis and authorities set forth in the *Swartz* Motion to Exclude Dr. Levy apply with equal force to Mr. Abbott's claims, and DuPont respectfully reasserts its arguments here to exclude or limit the testimony of Dr. Levy." (Def's Mot. to Exclude Dr. Levy Opinions and Testimony at 1, ECF No. 45) (citing to Def's Motion to Exclude Dr. Levy Opinions and Testimony, *Swartz* 2:15-cv-136, ECF Nos. 45, 74.)

In the *Swartz* case, this Court considered and denied DuPont's arguments made in its Motion to Exclude Dr. Levy's trial testimony in EMO No. 26. (*Swartz* 2:15-cv-136, ECF No.

¹ Unless otherwise noted the ECF references are to the docket in *Abbott*, 2:17-cv-998.

86; MDL ECF No. 5255.) DuPont makes no additional arguments not made in *Swartz*. Thus, for the same reasons stated in that decision, the Court **DENIES** DuPont's Motion to Exclude or Limit Dr. Levy's Trial Testimony. (ECF No. 59.)

IT IS SO ORDERED.

12-31-2019
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE